

AMENDED IN ASSEMBLY APRIL 22, 1996
AMENDED IN ASSEMBLY APRIL 15, 1996
AMENDED IN ASSEMBLY APRIL 8, 1996
AMENDED IN ASSEMBLY MARCH 27, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 3198

Introduced by Assembly Member Rainey

February 23, 1996

An act to add Section 25163.5 to the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 3198, as amended, Rainey. Hazardous waste ~~consolidation-remedial action sites: transportation-storage.~~

(1) Existing hazardous waste control laws administered by the Department of Toxic Substances Control require any person producing a hazardous waste to provide the person who will transport the hazardous waste with an applicable manifest that is completed as required by the department. Existing law prohibits the transportation of hazardous waste by any person unless the person holds a registration issued by the department.

Existing law requires a hazardous waste storage facility to obtain a hazardous waste facilities permit, or other grant of authorization, and defines the term storage facility as

excluding hazardous waste held for remediation waste staging, as specified.

Existing law deems hazardous waste initially collected at a remote site, as defined, and subsequently transported to a consolidation site, as defined, to have been generated at the consolidation site, if the waste is non-RCRA hazardous waste, as defined, or not subject to RCRA, and if specified requirements are met, ~~including if the hazardous waste is not generated through large spill cleanup activities, as defined, the hazardous waste is transported to the consolidation within 10 days of managing the hazardous waste, and the generator maintains specified information at the consolidation site. A person who initially collects any such hazardous waste at a remote site and transports the hazardous waste to a consolidation site operated by the generator is exempt from complying with the requirements for possession of a manifest and registration as a hazardous waste transporter with regard to the hazardous waste.~~

A violation of the laws regulating hazardous waste is a crime.

This bill would ~~provide that certain hazardous waste will be deemed to be generated at~~ *allow a generator to establish a remedial action consolidation site, as defined, which has not obtained a hazardous waste facilities permit,* if the hazardous waste *transported to the site* is a bulk non-RCRA hazardous waste generated in the course of a removal or remedial action, the remedial action consolidation site is operated by, or on behalf of, the generator, ~~the hazardous waste is initially collected at a removal or remedial action site and subsequently transported to the remedial action consolidation site, and specified requirements are met with regard to the management of the hazardous waste, including the completion of a single project master manifest for the transport of all similar types of hazardous waste removed from a contiguous location at the removal or remedial action site.~~ The bill would specify related responsibilities of the department.

The bill would require *the* transport of hazardous waste to a remedial action consolidation site to occur in vehicles that are certified, except that, if both this bill and AB 2201 are



enacted and both bills become effective on or before January 1, 1997, the bill would instead require the transport to meet specified statutory requirements.

Since a violation of the bill's requirements would be a crime, the bill would impose a state-mandated local program by redefining a crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25163.5 is added to the Health
2 and Safety Code, to read:

3 25163.5. (a) For purposes of this section, "remedial
4 action consolidation site" means a site at which bulk
5 non-RCRA hazardous waste initially generated in the
6 course of a removal or remedial action is transported to
7 be consolidated prior to shipment for disposal.

8 (b) A generator may establish a remedial action
9 consolidation site to facilitate a remedial action.

10 (c) Hazardous waste initially collected at a removal or
11 remedial action site may be transported to a remedial
12 action consolidation site that has not been issued a
13 hazardous waste permit pursuant to Section 25200, if all
14 of the following conditions are met:

15 (1) The hazardous waste is bulk non-RCRA hazardous
16 waste generated in the course of a removal or remedial
17 action and is transported to the remedial action
18 consolidation site for purposes of accumulation and
19 preparation for transport to its final destination.

20 (2) The remedial action consolidation site is operated
21 by, or on behalf of, the generator of the hazardous waste.

22 (3) The hazardous waste is managed in the following
23 manner:

1 (A) The hazardous waste is transported by the
2 generator of the hazardous waste to the remedial action
3 consolidation site or is transported to the remedial action
4 consolidation site by a registered hazardous waste hauler
5 operating under a contract with the generator. Prior to
6 shipment from the remote site to the remedial action
7 consolidation site, the hazardous waste shall be fully
8 characterized and arrangements shall be made for
9 appropriate handling.

10 (B) Each transport occurs in vehicles that are certified
11 pursuant to Section 25168.3.

12 (C) The person transporting the hazardous waste has
13 obtained an endorsement pursuant to Section 15278 of
14 the Vehicle Code.

15 (D) Each transport shall be accompanied by a bill of
16 lading identifying the load number, date, time, truck
17 identification number, driver, shipment origination
18 location, and shipment destination.

19 (E) The generator maintains a copy of the bill of lading
20 for at least three years following completion of the
21 removal or remedial action.

22 (F) The hazardous waste is not handled at any interim
23 site en route from the removal or remedial action site to
24 the remedial action consolidation site or between the
25 remedial action consolidation site and the final
26 destination site. A manifest shall accompany all shipments
27 of hazardous waste from the consolidation site in
28 compliance with Section 25160.

29 (G) The hazardous waste is managed at all times at the
30 remedial action consolidation site in accordance with all
31 applicable requirements of this chapter and the
32 regulations adopted by the department pursuant to this
33 chapter. Hazardous waste may be accumulated at the
34 remedial action consolidation site, but in no case may
35 hazardous waste be accumulated at the remedial action
36 consolidation site for longer than 30 days from the date
37 that the waste is first delivered to the site. A remedial
38 action consolidation site may not be operated for periods
39 of greater than one year without a variance or without
40 first obtaining a permit pursuant to Section 25200.

(H) All hazardous waste transported to a remedial action consolidation site is placed only on concrete, ~~pavement, asphalt, or high density polyethylene of at~~ *pavement, or asphalt, over which is placed high density polyethylene of at* least 60 mil thickness and the storage of the hazardous waste meets either of the following requirements:

(i) The hazardous waste is contained in a locked permanent or temporary building to prevent run-on and run-off.

(ii) The hazardous waste is stored in hazardous waste piles at a site where access is restricted by fences of at least six feet in height, appropriate measures are taken to prevent erosion by wind and rain, ~~and the hazardous waste piles are covered with tarps or kept moist at all times. If the hazardous waste piles are not tarped, run-on~~ *times, run-on* to the site is appropriately controlled, and all run-off from the site, and leachate from the hazardous waste piles, are collected, tested for hazardous characteristics, and disposed of in accordance with the requirements governing disposal of the hazardous waste.

(I) The remedial action consolidation site is located in a commercial, industrial, open-space, ~~agricultural,~~ or other similar appropriate land use zone, and is of sufficient distance from other land uses to ensure that use of the site will not pose significant risk of exposure to hazardous waste to occupants of a building or structure used for the purposes specified in paragraph (1) of subdivision (b) of Section 25232.

(J) The remedial action consolidation site is posted with signs in English, and one or more other languages, if appropriate, that are consistent with the ethnicity of the surrounding community, identifying the location as a hazardous waste site.

(d) The department may revoke a generator's authority to operate a remedial action consolidation site pursuant to this section, in accordance with the procedures specified in Section 25187, if the generator demonstrates a pattern of failure to meet the requirements of this section and the department notifies

1 the generator of those violations prior to issuing an order
2 pursuant to Section 25187 to revoke permission to operate
3 the remedial action consolidation site.

4 (e) Nonhazardous waste, such as rock and brick, may
5 be separated from the non-RCRA hazardous waste
6 collected at a remedial action consolidation site, and that
7 activity shall not be considered treatment of a hazardous
8 waste.

9 (f) Upon completion of the use of the remedial action
10 consolidation site for purposes of this section, the
11 generator shall comply with all of the following
12 requirements:

13 (1) The generator shall remove all pavement,
14 concrete, and asphalt where the hazardous waste was
15 placed or clean the pavement, concrete, and asphalt to
16 the satisfaction of the CUPA, or if not under the
17 jurisdiction of a CUPA, to the satisfaction of the officer or
18 agency authorized pursuant to subdivision (f) of Section
19 25404.3 to implement and enforce the requirements of
20 this chapter listed in paragraph (1) of subdivision (c) of
21 Section 25404.

22 (2) The generator shall remove pavement, concrete,
23 asphalt, and any underlying material that contains
24 residual concentrations of hazardous waste at levels
25 posing a significant risk to public health that cannot
26 otherwise be eliminated.

27 (3) The remedial action consolidation site shall be
28 certified clean and in compliance with this subdivision
29 and closed by the CUPA, or, if no CUPA has jurisdiction,
30 by the local health officer or other local public officer
31 designated pursuant to Section 25180.

32 (g) (1) A generator who proposes to operate a
33 remedial action consolidation site shall submit a
34 notification of the generator's intent to operate prior to
35 commencing operation, either in person or by certified
36 mail, with return receipt requested, to the department
37 and to one of the following:

38 (A) The CUPA, if the generator is under the
39 jurisdiction of a CUPA.

1 (B) If the generator is not under the jurisdiction of a
2 CUPA, the officer or agency authorized pursuant to
3 subdivision (f) of Section 25404.3 to implement and
4 enforce the requirements of this chapter listed in
5 paragraph (1) of subdivision (c) of Section 25404.

6 (2) That notification shall be submitted at least
7 annually thereafter for as long as the operation continues.

8 (3) The notification shall include all of the following
9 information:

10 (A) A general description of the removal or remedial
11 action site from which the hazardous waste will be
12 initially collected.

13 (B) The location of the remedial action consolidation
14 site and the generator's generator ID number.

15 (C) A certification of the generator's compliance with
16 this section.

17 (h) The removal or remedial action site from which
18 the hazardous waste will be initially collected shall
19 comply with all applicable requirements of this chapter
20 for removal and remedial action sites.

21 SEC. 2. Section 25163.5 is added to the Health and
22 Safety Code, to read:

23 25163.5. (a) For purposes of this section, "remedial
24 action consolidation site" means a site at which bulk
25 non-RCRA hazardous waste initially generated in the
26 course of a removal or remedial action is transported to
27 be consolidated prior to shipment for disposal.

28 (b) A generator may establish a remedial action
29 consolidation site to facilitate a remedial action.

30 (c) Hazardous waste initially collected at a removal or
31 remedial action site may be transported to a remedial
32 action consolidation site that has not been issued a
33 hazardous waste permit pursuant to Section 25200, if all
34 of the following conditions are met:

35 (1) The hazardous waste is bulk non-RCRA hazardous
36 waste generated in the course of a removal or remedial
37 action and is transported to the remedial action
38 consolidation site for purposes of accumulation and
39 preparation for transport to its final destination.

(2) The remedial action consolidation site is operated by, or on behalf of, the generator of the hazardous waste.

(3) The hazardous waste is managed in the following manner:

(A) The hazardous waste is transported by the generator of the hazardous waste to the remedial action consolidation site or is transported to the remedial action consolidation site by a registered hazardous waste hauler operating under a contract with the generator. Prior to shipment from the remote site to the remedial action consolidation site, the hazardous waste shall be fully characterized and arrangements shall be made for appropriate handling.

(B) Each transport occurs in vehicles that meet the requirements for vehicles transporting hazardous waste as set forth in this section and the Vehicle Code.

(C) The person transporting the hazardous waste has obtained an endorsement pursuant to Section 15278 of the Vehicle Code.

(D) Each transport shall be accompanied by a bill of lading identifying the load number, date, time, truck identification number, driver, shipment origination location, and shipment destination.

(E) The generator maintains a copy of the bill of lading for at least three years following completion of the removal or remedial action.

(F) The hazardous waste is not handled at any interim site en route from the removal or remedial action site to the remedial action consolidation site or between the remedial action consolidation site and the final destination site. A manifest shall accompany all shipments of hazardous waste from the consolidation site in compliance with Section 25160.

(G) The hazardous waste is managed at all times at the remedial action consolidation site in accordance with all applicable requirements of this chapter and the regulations adopted by the department pursuant to this chapter. Hazardous waste may be accumulated at the remedial action consolidation site, but in no case may hazardous waste be accumulated at the remedial action

1 consolidation site for longer than 30 days from the date
2 that the waste is first delivered to the site. A remedial
3 action consolidation site may not be operated for periods
4 of greater than one year without a variance or without
5 first obtaining a permit pursuant to Section 25200.

6 (H) All hazardous waste transported to a remedial
7 action consolidation site is placed only on concrete,
8 ~~pavement, asphalt, or high density polyethylene of at~~
9 *pavement, or asphalt, over which is placed high density*
10 *polyethylene of at least 60 mil thickness* and the storage
11 of the hazardous waste meets either of the following
12 requirements:

13 (i) The hazardous waste is contained in a locked
14 permanent or temporary building to prevent run-on and
15 runoff.

16 (ii) The hazardous waste is stored in hazardous waste
17 piles at a site where access is restricted by fences of at least
18 six feet in height, appropriate measures are taken to
19 prevent erosion by wind and rain, ~~and the hazardous~~
20 ~~waste piles are covered with tarps or kept moist at all~~
21 ~~times. If the hazardous waste piles are not tarped, run-on~~
22 *times, run-on* to the site is appropriately controlled, and
23 all runoff from the site, and leachate from the hazardous
24 waste piles, are collected, tested for hazardous
25 characteristics, and disposed of in accordance with the
26 requirements governing disposal of the hazardous waste.

27 (I) The remedial action consolidation site is located in
28 a commercial, industrial, open space, ~~agricultural,~~ or
29 other similar appropriate land use zone, and is of
30 sufficient distance from other land uses to ensure that use
31 of the site will not pose significant risk of exposure to
32 hazardous waste to occupants of a building or structure
33 used for the purposes specified in paragraph (1) of
34 subdivision (b) of Section 25232.

35 (J) The remedial action consolidation site is posted
36 with signs in English, and one or more other languages,
37 if appropriate, that are consistent with the ethnicity of the
38 surrounding community, identifying the location as a
39 hazardous waste site.

(d) The department may revoke a generator's authority to operate a remedial action consolidation site pursuant to this section, in accordance with the procedures specified in Section 25187, if the generator demonstrates a pattern of failure to meet the requirements of this section and the department notifies the generator of those violations prior to issuing an order pursuant to Section 25187 to revoke permission to operate the remedial action consolidation site.

(e) Nonhazardous waste, such as rock and brick, may be separated from the non-RCRA hazardous waste collected at a remedial action consolidation site, and that activity shall not be considered treatment of a hazardous waste.

(f) Upon completion of the use of the remedial action consolidation site for purposes of this section, the generator shall comply with all of the following requirements:

(1) The generator shall remove all pavement, concrete, and asphalt where the hazardous waste was placed or clean the pavement, concrete, and asphalt to the satisfaction of the CUPA, or if not under the jurisdiction of a CUPA, to the satisfaction of the officer or agency authorized pursuant to subdivision (f) of Section 25404.3 to implement and enforce the requirements of this chapter listed in paragraph (1) of subdivision (c) of Section 25404.

(2) The generator shall remove pavement, concrete, asphalt, and any underlying material that contains residual concentrations of hazardous waste at levels posing a significant risk to public health that cannot otherwise be eliminated.

(3) The remedial action consolidation site shall be certified clean and in compliance with this subdivision and closed by the CUPA, or, if no CUPA has jurisdiction, by the local health officer or other local public officer designated pursuant to Section 25180.

(g) (1) A generator who proposes to operate a remedial action consolidation site shall submit a notification of the generator's intent to operate prior to

1 commencing operation, either in person or by certified
2 mail, with return receipt requested, to the department
3 and to one of the following:

4 (A) The CUPA, if the generator is under the
5 jurisdiction of a CUPA.

6 (B) If the generator is not under the jurisdiction of a
7 CUPA, the officer or agency authorized pursuant to
8 subdivision (f) of Section 25404.3 to implement and
9 enforce the requirements of this chapter listed in
10 paragraph (1) of subdivision (c) of Section 25404.

11 (2) That notification shall be submitted at least
12 annually thereafter for as long as the operation continues.

13 (3) The notification shall include all of the following
14 information:

15 (A) A general description of the removal or remedial
16 action site from which the hazardous waste will be
17 initially collected.

18 (B) The location of the remedial action consolidation
19 site and the generator's generator ID number.

20 (C) A certification of the generator's compliance with
21 this section.

22 (h) The removal or remedial action site from which
23 the hazardous waste will be initially collected shall
24 comply with all applicable requirements of this chapter
25 for removal and remedial action sites.

26 SEC. 3. Section 25163.5 of the Health and Safety Code,
27 as added by Section 2 of this act, shall become operative
28 only if both this bill and Assembly Bill 2201 are enacted
29 and both bills become effective on or before January 1,
30 1997, in which case Section 25163.5 of the Health and
31 Safety Code, as added by Section 1 of this act, shall not
32 become operative.

33 SEC. 4. No reimbursement is required by this act
34 pursuant to Section 6 of Article XIII B of the California
35 Constitution because the only costs that may be incurred
36 by a local agency or school district will be incurred
37 because this act creates a new crime or infraction,
38 eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section
40 17556 of the Government Code, or changes the definition

1 of a crime within the meaning of Section 6 of Article
2 XIII B of the California Constitution.
3 Notwithstanding Section 17580 of the Government
4 Code, unless otherwise specified, the provisions of this act
5 shall become operative on the same date that the act
6 takes effect pursuant to the California Constitution.

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